

'08 MJ 0539

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

FEB 25 AM 9:50

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Debbie PONCE

Defendant.

Magistrate Case No. _____ DEPUTY

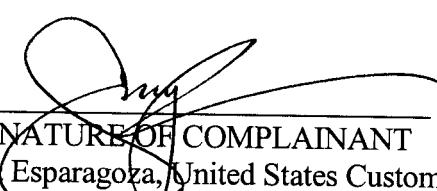
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 23, 2008**, within the Southern District of California, defendant **Debbie PONCE**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Pedro ORTIZ-Martinez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25TH** DAY OF **FEBRUARY, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Eric M. Velazquez, declare under penalty of perjury the following to be true and correct:

The complainant states that **Pedro ORTIZ-Martinez** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material, that it is impracticable to secure his attendance at the trial thereof by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On 02/23/2008 at about 2206 hours Debbie PONCE (Defendant) applied for entry into the United States as the driver of a black 2006 Dodge Ram 1500 through the San Ysidro Port of Entry. Defendant applied for entry through lane number three, which is a designated Dedicated Commuter Lane (DCL). Defendant is enrolled in the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program and is authorized to use the DCL upon entering the United States. Defendant was accompanied by her son, aged 4. Defendant and her son were the only two visible occupants in the vehicle. Defendant presented a United States passport bearing her name as proof of admissibility and a SENTRI/DCL card bearing her name as proof of enrollment in such program. Defendant presented the same type of documents for her son. Defendant gave a negative Customs declaration to a Customs and Border Protection (CBP) Officer. The CBP Officer noticed what appeared to be bulk behind the bucket seats of the vehicle. The CBP Officer reached behind the driver side seat and felt what appeared to be a person. The CBP Officer radioed for assistance and CBP Officers from the Anti-Terrorism Contraband Enforcement Team (ATCET) responded. ATCET Officers took custody of Defendant, who was escorted to the security office. An ATCET Officer drove the vehicle into the secondary lot.

In secondary, CBP Officers removed two Hispanic individuals concealed behind the bucket seats of the vehicle. The Hispanic individuals were identified as follows: **Pedro ORTIZ-Martinez** and **Cesar Ivan DURAN-Huerta**. Both concealed individuals admitted being citizens of Mexico with no documents to enter or reside in the United States. **Pedro ORTIZ-Martinez** is now identified as the Material Witness (MW) in the case.

During a videotaped proceeding, Defendant was advised of her Miranda Rights. Defendant acknowledged her rights and elected to answer questions without an attorney present. Defendant admitted she was smuggling one undocumented alien behind the bucket seats of the vehicle. Defendant denied knowing there were two undocumented aliens concealed in such area. Defendant admitted she was to receive \$1,000.00 (USD) for the smuggling act. Defendant admitted she was approached by a friend of her husband, who goes by the name of Jaime, and was offered the opportunity to make money by smuggling undocumented aliens into the United States. Defendant admitted she was to drive her vehicle to the Jack in the Box restaurant in San Ysidro and wait for either Jaime or an unknown man to call her cellular phone. Defendant admitted she was to receive instructions and directions to the location where she was to deliver the undocumented alien. Defendant admitted knowing alien smuggling is against the law. Defendant stated she agreed to smuggle undocumented aliens through the SENTRI/DCL because it would be easier than smuggling through a regular lane.

**Continuation of Probable Cause Statement
United States vs. Debbie PONCE**

During a videotaped interview, MW admitted he is a citizen of Mexico with no legal documents to enter or reside in the United States. MW stated she made the smuggling arrangements with a man known as "Fernando." MW stated he was to pay \$3,000.00 (USD) to be smuggled into the United States. MW stated Fernando directed him to the vehicle used in the smuggling act. MW stated he entered the vehicle and hid behind the bench seat. MW stated he was going to Los Angeles, CA to seek employment.

EXECUTED ON THIS 24TH DAY OF FEBRUARY 2008 AT 10:00 AM.


Eric M. Velazquez / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (2) page(s), I find probable cause to believe that the defendant named therein committed the offense on February 23, 2008 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

2-24-08 @ 11:25AM
DATE / TIME